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# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Committee against Torture**
**Fifty-fourth session**

**Summary record of the 1295th meeting**
Held at the Palais Wilson, Geneva, on Wednesday, 22 April 2015, at 3 p.m.

*Chairperson*: Mr. Grossman

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Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

*Sixth periodic report of New Zealand* (continued)

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** (*continued*)

*Sixth periodic report of New Zealand* (continued) (CAT/C/NZL/6; CAT/C/NZL/Q/6; HRI/CORE/NZL/2010)

1. *At the invitation of the Chairperson, the delegation of New Zealand took places at the Committee table.*

2. **Mr. Crooke** (New Zealand) said that the Crimes of Torture Act 1989 contained a definition of torture that was materially the same as the definition in article 1 of the Convention. The Act had been amended in 2007 to give effect to New Zealand's obligations under the Optional Protocol.

3. The New Zealand Bill of Rights Act had the status of ordinary law because the country had no written constitution and no concept of supreme law. The Government was considering the recommendations issued by the Constitutional Advisory Panel in 2013, including the possibility of reviewing the Bill of Rights Act. The Act included two important safeguards. First, where an enactment could be interpreted in a manner that was consistent with the Bill of Rights Act, preference must be given to that interpretation. All administrative decisions and secondary legislation must also be consistent with the Act unless the inconsistency was authorized by primary legislation. Secondly, where a bill appeared to be inconsistent with the Act, the Attorney-General was required to bring it to the attention of the House of Representatives. Parliament could, however, reach a different conclusion from that of the Attorney-General on the basis of expert advice.

4. Supplementary Order Papers (SOPs) were not vetted for consistency with the Bill of Rights Act. However, the approval of Cabinet was required in the case of significant Government SOPs. Furthermore, a disclosure statement must be appended to all Government bills and SOPs indicating their consistency with the Act and international human rights treaties. The Legislation Amendment Bill currently before Parliament would make disclosure statements mandatory for most Government bills.

5. Under the reservation to article 14 of the Convention, the Government reserved the right to award compensation to torture victims only at the discretion of the Attorney-General. New Zealand had entered the reservation because at the time there had been no statutory remedy for torture victims. The courts had since held that compensation could be awarded for breaches of the Bill of Rights Act. The Government might consider the possibility of withdrawing the reservation in due course.

6. The Government was not in a position to withdraw the reservation to article 32 (2) of the Convention on the Rights of the Child. The existing legislation established age thresholds for entry into work and for safe work.

7. New Zealand reserved the right not to apply article 37 (c) of the Convention on the Rights of the Child in circumstances where the shortage of suitable facilities, particularly in remote areas, made the mixing of juveniles and adults unavoidable. However, it continued to review its reservation.

8. As the central national preventive mechanism, the Human Rights Commission coordinated the other mechanisms, identified systemic issues and developed common policies and procedures. It promoted engagement with civil society and organized training and development activities. As the mechanisms faced funding pressures, they were collaborating with a view to making the best use of available resources. The Independent Police Complaints Authority was developing national standards for police custodial facilities and a robust reporting and auditing process. The Office of the Children's

Commissioner was adopting a new systems and performance approach. The Inspector of Service Penal Establishments had sufficient funds to carry out its role. The Office of the Children's Commissioner and the Office of the Ombudsman were jointly responsible for youth detention facilities, and the 2015/16 draft budget for the Office of the Ombudsman provided for an increase of $NZ 390,000 to finance the employment of two additional investigators and the contracting of specific expertise to assist with inspections and monitoring.

9. The Government recognized that the mechanisms lacked expertise in some areas, particularly that of mental health. The funding increase for the Office of the Ombudsman included a provision for specialist advisers as and when required. All rest homes and residential care facilities for older persons were certified and audited to ensure that they met the standards set out in the Health and Disability Services (Safety) Act 2001. All disability services, including residential services, were also regularly audited and assessed. Unannounced and issues-based audits were undertaken when necessary. Health providers in child, youth and family residences were also required to comply with the 2001 Act.

10. If the national preventive mechanisms were concerned about gaps or overlaps in their mandates, the Government was open to discussing possible changes.

11. As the Independent Police Conduct Authority was an independent entity under the Crown Entities Act 2004 and was chaired by a district court judge, it was independent from the Government and the police. Internal investigations into complaints conducted by the police were overseen by the Authority, which had the power to launch its own investigations, especially into serious complaints. The Authority could not bring prosecutions under the Crimes of Torture Act because it lacked a prosecutorial function.

12. The Institute of Judicial Studies provided education programmes and resources to support judges in the ongoing development of their careers. The current curriculum included domestic human rights legislation and international human rights instruments. The Convention was included in the initial training course for all new custodial staff and as part of the training topic "Our Way and Human Rights". The Convention was not included in police training courses but training was provided on the Bill of Rights Act and in a range of procedures designed to ensure that the provisions of the Convention were met. No specific training was provided to medical professionals working in the corrections system.

13. The purpose of the 2013 amendments to the Bail Act 2000 was to make it harder for those accused of serious offences to obtain bail. The decision, however, still rested with the court. The reverse burden of proof was now applicable to defendants charged with murder or serious drug-dealing offences. The Act also expanded the range of violent and sexual offences that were subject to a reverse burden of proof where the defendant had previously been convicted of such an offence. The presumption in favour of bail for defendants aged 17 years who had previously been imprisoned and those aged 18 and 19 years had been withdrawn. The amendments maintained the balance between protection of defendants' rights and the safety of the public.

14. The Corrections Amendment Act 2013 introduced changes to the rules governing strip searching in some situations with a view to establishing a single straightforward procedure, preventing contraband from entering prisons, ensuring the welfare of prisoners and reducing unnecessary strip searches.

15. The Prisoners and Victims Claims Amendment Act 2013 ensured an appropriate balance between the provision of financial redress to prisoners for human rights violations and victims' right to file civil claims against awards of compensation.

16. Under the Electoral (Disqualification of Prisoners) Amendment Act, persons serving a prison sentence were debarred from registering in the electoral roll.

17. **Mr. Chhana** (New Zealand) said that all 185 claims received in the case of the Lake Alice victims had been settled at a total cost of $NZ 10.8 million. The Historic Abuse Resolution Service of the Ministry of Health had settled 119 claims, totalling $NZ 684,000, concerning treatment of individuals in State-run psychiatric facilities prior to 1993. The Ministry of Education had settled 28 claims, totalling $NZ 332,500, concerning abuse or neglect at residential special schools prior to 1989. The Ministry of Social Development had settled 575 of the approximately 1,680 claims concerning historic abuse while in State care. It remained committed to closing all historic claims by 31 December 2020. The Government acknowledged the delay in settling outstanding claims and the Minister of Social Development had stated that a new strategy would be in place by 30 June 2015.

18. Ex gratia payments were made in respect of claims that were not actionable at law but that created a moral obligation where a Government department's actions or performance had been deficient to a degree that the person concerned had suffered loss or harm. The amounts paid to date ranged from $NZ 1,150 to $NZ 70,000, depending on the severity of the department's failure.

19. The Crown did not intend to conduct a separate inquiry from the police investigation into historic abuse because the New Zealand Police was the agency responsible for investigating serious criminal offences. If further information came to light regarding suspected criminal offences, it could reopen or initiate a new criminal investigation.

20. A Ministerial Group on Family Violence and Sexual Violence had been established in December 2014 and a draft five-year National Sexual Violence Primary Prevention Strategy and Programme of Action was being developed. People who experienced sexual violence had access to a range of governmental and non-governmental services, including medical forensic examinations, telephone and face-to-face counselling, whanau (family) support and specialist therapy. Government agencies, in consultation with the wider sexual violence sector, were developing a more coordinated approach to ensure that sexual violence services were appropriately funded and had the necessary coverage. In the interim, $NZ 10.4 million had been earmarked in the 2014/15 budget for the sexual violence sector.

21. The Accident Compensation Corporation, a public-sector entity, had recently announced changes in its compensation and rehabilitation services for victims of sexual violence. The new Integrated Services for Sensitive Claims provided clients with safe and flexible access to a range of support, assessment and treatment services. The Ministry of Justice provided advisory services and financial grants for court costs, accommodation and property repairs. The Ministry also funded Victims Support, an NGO that provided support to victims of crime. The parliamentary Social Services Committee was undertaking an inquiry into the funding of specialist sexual violence services.

22. Protection orders under the Domestic Violence Act could be obtained for both actual and threatened violence. Any breach of a protection order was a criminal offence, even if the behaviour itself was not. The maximum penalty for breaching a protection order had been increased from 2 to 3 years' imprisonment.

23. A number of steps had been taken to encourage victims of domestic and sexual violence to report the offences against them. There had been an increase in reporting since the launch of the "It's not OK" campaign. Victims were also provided with greater support during legal proceedings. New Zealand Police had launched an internal Family Violence Change Programme to improve the efficiency and effectiveness of their response. The Prevention First police strategy had also improved the services provided to victims.

24. As the police did not routinely carry firearms, tasers were an important tactical option to ensure the safety and security of the public and police officers. Every taser was equipped with a camera and the use of tasers was closely monitored. During the first six months of 2014, tasers had been shown in only 0.7 per cent of apprehensions and

discharged in only 0.09 per cent. They had been deployed against Pacific Island peoples in 128 out of 10,000 apprehensions, against Maori in 87 out of 10,000 apprehensions and against Pakeha (people of European descent) in 63 out of 10,000 apprehensions. The overall ratio for cases in which a taser had been shown was 51 per cent for Maori and 13 per cent for Pacific Island peoples. Where a taser had been discharged, the corresponding ratio was 51 per cent for Maori and 24 per cent for Pacific Island peoples.

25. In the case of discharges, a review was conducted by the Police Taser Assurance Forum. Lessons learned were used to update policy and guidance. The Independent Police Complaints Authority also investigated specific complaints.

26. New Zealand resettled 750 refugees annually under the Refugee Quota Programme. They spent the first six weeks at the Mangere Refugee Resettlement Centre.

27. The Government had announced that it would, if requested, take 150 refugees from Australia. The Australian Government had not made any such request to date.

28. A person could be deported by order of the Governor-General if the Minister of Immigration certified that he or she was a threat to security. Such deportations could not, however, be undertaken while a person's claim of being a victim or at risk of torture was being assessed, or if the person was recognized as a protected person under the Convention.

29. The mass arrival provisions enacted in 2013 had not been used to date. The power to detain for an initial period of six months and to order extensions of one month was subject to judicial control. Immigration New Zealand reviewed and, if necessary, adjusted the detention circumstances of asylum and protection claimants every fortnight.

30. Asylum seekers and refugees could file appeals against declined claims with the Immigration and Protection Tribunal. The grounds on which claims could be denied were consistent with international law. Legal aid was available for proceedings before the Tribunal.

31. **Mr. Arbuckle** (New Zealand) said that the reasons for the overrepresentation of Maori and Pasifika in the criminal justice system were complex. The Government had implemented a range of programmes and initiatives to address the overrepresentation, including: a youth crime action plan that focused on Maori young people; restorative justice services that had a strong alignment with Maori values and culture; Maori and Pacific youth courts; and Maori and Pacific focus units in prisons that drew on Maori and Pacific traditions and cultures.

32. Programmes that directly addressed education standards, employability and underlying health issues such as drug and alcohol abuse among Maori offenders resulted in lower levels of re-offending.

33. The Department of Corrections ran two Whare Oranga Ake (house of healing or renaissance) units for Maori prisoners nearing the end of their sentence to assist them in finding employment and accommodation on release. Both units were located outside the prison perimeter fence.

34. There was no evidence to suggest that a root cause of the higher representation of Maori women among women prisoners was lack of access to legal representation, since the legal aid programme provided a sound safety net. Kowhiritanga was a group-based rehabilitation programme designed to assist women prisoners and to develop skills to prevent re-offending. It also addressed the issues of domestic and sexual violence that many women prisoners had experienced. Cultural and spiritual rehabilitation programmes were organized at the Auckland regional women's corrections facility.

35. Replying to questions about the classification of prisoners, he said that it was determined based on their risk to others and their risk of escape and was used to assign

them to a cell type and regime. The Department of Corrections' guiding principle was to ensure that there were no unnecessary limitations on prisoners' access to rehabilitation, education and employment opportunities. Two initiatives had been taken in response to the 2013 recommendation of the Subcommittee on Prevention of Torture to review the classification system, namely changes to the management of under 25-year-olds to give them greater access to employment outside prison and the introduction of a remand management tool to enhance risk assessments and provide greater access to rehabilitation programmes and education. Moreover, the Department had undertaken a comprehensive review of the classification system that should be completed in 2015.

36. Since the submission of the report, 11 additional complaints had been brought to the High Court, all falling under the category of ill- or inhumane treatment while in prison.

37. The segregation of prisoners was defined as limiting or restricting the opportunity of a prisoner to associate with other prisoners and was avoided unless absolutely necessary or requested by a prisoner. Under the Corrections Act, prisoners could be segregated for the purpose of assessing or ensuring mental health. When there was a risk of self-harm, a segregated prisoner was seen by a health professional daily. Insofar as possible, segregated prisoners were subject to the same rules, routines and privileges as other inmates. A very small number of prisoners were held in management units due to a high risk of escape. Their case had to be reviewed regularly and segregation decisions could be appealed to the Inspector of Corrections, the regional operations manager, an ombudsman or a visiting justice. The Department had accepted most of the Ombudsman's recent recommendations regarding the use of segregation. For example, the Department had ceased to use the Waikeria Youth Unit and had consolidated its youth units at two sites and had put in place strategies to ensure that segregation was implemented uniformly across the system and in keeping with the relevant legal provisions.

38. Prisoners received the same standard of primary health services as the outside community. Nursing staff were employed full-time by the Department, while doctors and dentists were contracted to the Department but operated independent practices; all were subject to their professional regulatory bodies. All Department-run health centres must be accredited by the Royal New Zealand College of General Practitioners. Secondary and tertiary health care was delivered by the public health system. All prisoners underwent a mental health assessment on arrival. Those found to have serious mental health needs received treatment through the publicly funded Forensic Mental Health Services. Additional funding had been made available to meet the needs of prisoners at the Mason Clinic, including 15 extra short-term care beds. Regarding the treatment of persons in police custody, he said that most of the doctors were on a roster and were called in as needed. Suspects could also request to see a doctor of their choice.

39. Turning to the concerns raised about double bunking, he said that the prison population had grown since the submission of the report and stood at 8,795, or 85 per cent of total capacity, and that 1,405 cells were shared by two or more prisoners. A new facility would be opening in South Auckland in May 2015, providing an additional 960 beds and enabling the Department of Corrections to close some 600 beds in three prisons that fell short of standards of decency and access to rehabilitation. The use of double bunking was an integral part of the Department's accommodation mix and was not an emergency response to overcrowding. Double bunking was largely used in the most modern prisons and in cells that met statutory requirements for double occupancy. Prisoners were carefully selected for cell sharing, were reassessed at regular intervals and had the right to lodge complaints about their accommodation. In 2009 and 2010, the Department had conducted research on the impact of double bunking, which had involved interviews with prison managers and staff as well as prisoners and had shown that, although most prisoners

expressed a preference for a single cell, shared cells had no detrimental effect on the safe, secure and humane containment of prisoners.

40. Regarding private prisons, he said that there was currently one contract-managed prison, the Mount Eden Corrections Facility, and that the new facility in South Auckland would be the second. Contract-managed prisons were subject to the same domestic laws and international standards regarding prisoner welfare and management as publicly run facilities and were required to report regularly to the chief executive of the Department of Corrections. They were also subject to oversight by monitors appointed by the chief executive and could be investigated by the Department when concerns arose regarding the contractor's management of the prison or prisoners. In addition, contract-managed prisons were measured on an ongoing basis against several key performance indicators, and failure to meet the indicators incurred financial penalties. Mount Eden did not stand out as having a particularly high rate of prisoner-on-staff assaults compared to other prisons of similar size. However, staffing levels differed from publicly run prisons because the mandate of contractors was to provide outcomes. Nevertheless, contract-managed prisons did have a staffing model to which they were required to adhere.

41. Lastly, replying to questions regarding the safety of transgender prisoners, he said that the Department of Corrections recognized the potential risks of mixing transgender prisoners with the general inmate population and considered that the risks were best handled through individualized planning and consultation with the person concerned. Generally, offenders were placed in a prison based on the gender identified on their court-issued warrant of committal. When the Department had a copy of the birth certificate specifying a different gender from that on the warrant, the birth certificate prevailed. In the absence of a birth certificate or where offenders so desired, offenders could apply for placement in a facility aligned with their gender identity, provided that they were not excluded from doing so by the type of offence committed, such as sexual offences against persons of their chosen gender. Placement decisions could be appealed to the Inspector of Corrections or the Ombudsman. Under the Corrections Act, strip searches could only be carried out by a person of the same gender as the offender, as determined by the prison in which they were placed. Transgender prisoners could choose between a single cell and a cell shared with other transgender prisoners and could request to be segregated.

42. **Ms. Muller** (New Zealand), replying to a series of questions asked at the 1292nd meeting, said that there were two Law Officers, namely the Attorney-General and the Solicitor-General, who both had the authority to consent to prosecution under the Crimes of Torture Act. The position of Attorney-General was a ministerial portfolio and could, therefore, be filled by a politician; however, unlike other Cabinet ministers, the Attorney-General was required to act independently of party considerations and was not accountable to Parliament or any judge. The same independence criteria applied to the Solicitor-General. Consent had to be obtained from one of the law officers before proceedings could be initiated.

43. She confirmed that no proceedings had been brought under the Crimes of Torture Act during the reporting period, nor had the police requested consent for prosecution in such cases. Given that conviction was a prerequisite for the awarding of compensation, there had been no compensation ordered pursuant to the Act. However, compensation for acts of torture or ill-treatment could be sought through the civil courts. Since January 2009, no civil suits brought against the Government or the police for allegations of torture had resulted in the awarding of damages or in an out-of-court settlement.

44. The Evidence Act set strict criteria for disproving that statements had been made under oppression, irrespective of the standing of the person engaging in the oppressive conduct. The Law Commission had reviewed the application of the Evidence Act in 2013 and had not found anything to suggest that section 29 was problematic.

45. A number of measures had been adopted with regard to trafficking in persons, including the Government-wide Plan of Action to Prevent People Trafficking, the strict regulation and monitoring of high-risk industries, the Organized Crime and Anti-Corruption Legislation Bill and participation in regional efforts such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. A study commissioned in 2011 had found that migrant sex workers entered the country of their own volition and were generally content in their occupation and workplace. Brothels and commercial sex premises were regulated under the Prostitution Reform Act.

46. There had been no need for diplomatic assurances or their monitoring during the reporting period because there had been no extradition requests in death penalty cases. The Minister of Justice's decision to surrender an individual was judicially reviewable. Three of the four steps of the extradition process, mentioned in paragraph 97 of the report, could be challenged through judicial review, while the initial decision in the fourth step could be appealed only on a point of law. No extradition orders had been overturned on the grounds that the individual was at risk of torture in the requesting State. The Law Commission was reviewing the Extradition Act and the Mutual Assistance in Criminal Matters Act and should issue its report later in 2015.

47. Regarding the difference between interviewing and interrogating suspects, she said that both were forms of questioning with the possible purpose of obtaining a confession and that cases of prisoners who committed an offence while in custody were investigated by the police, not corrections officials.

48. **Mr. Modvig** (Country Rapporteur) asked whether the national human rights plan currently under preparation would include a major legislative review to ensure compliance with international standards, a recommendation that had been made during the universal periodic review and that the State party had accepted. He also asked whether private prisons came under the mandate of the national preventive mechanism. He pointed out that the delegation had not provided statistics on complaints of torture or ill-treatment against public officials or on any follow-up thereto. Noting that no specific training was currently in place for doctors, he said that all medical practitioners who worked with persons deprived of their liberty should be trained to recognize, investigate and document cases of ill-treatment in keeping with the Istanbul Protocol. He wished to know what impact amendments to laws on the rights of persons deprived of their liberty had had on the prevalence of strip searches and the use of restraints. He also enquired what the practice was regarding isolation in mental health facilities. He welcomed the fact that the Turning of the Tide programme might be expanded to other target groups. He requested confirmation that reparation in respect of historic claims was mainly financial and did not include rehabilitation. He asked how the Government ensured that asylum seekers who had suffered torture were identified. Did the Government believe that the number of cases of trafficking in persons accurately reflected the scope of the problem?

49. **Mr. Zhang** (Country Rapporteur) asked for confirmation that none of the 11 complaints brought to the High Court by prisoners since the submission of the report had involved allegations of torture.

50. **Mr. Bruni**, supported by **Ms. Belmir**, expressed particular concern about objectivity given that investigations into allegations of torture committed by police officers were conducted by the police. He invited the delegation to comment on figures suggesting that there were far more assaults at the privately run Mount Eden Corrections Facility than at the public Auckland Prison.

51. **Ms. Belmir** repeated her question about the State party's reservations to both the Convention against Torture and the Convention on the Rights of the Child and strongly recommended that it should conduct research into the physiological effects of tasers.

52. **Ms. Gaer** said she shared the concerns regarding the Independent Police Conduct Authority. She enquired which authority was responsible for determining the level of public interest that formed the basis of decisions to institute prosecutions. She also asked where the public interest lay in the lack of prosecutions with respect to the Lake Alice hospital case and whether the State party recognized the preventive value of bringing prosecutions. She wondered why no prosecutions for trafficking in persons had been instituted for eight years and when the State party would bring its legal definition of trafficking into line with international instruments.

53. **Mr. Domah** expressed concern at the fact that the position of the Attorney-General, who took decisions for prosecutions, was a ministerial portfolio. Even though the Attorney-General was not bound by cabinet collective responsibility or answerable to the parliament, that office should not be held by a politician.

54. **Mr. Tugushi** asked whether steps had been taken to improve living conditions and access to sanitary facilities in centres for refugees and asylum seekers. Would the State party rectify the lack of separation among women, men and young persons who were held at the detention centre in Wellington airport? He asked when the use of certain restraints, such as waist restraints, cages and handcuffing to the floor, during the transportation of prisoners would be abolished, taking into account the dangerousness of some detainees.

55. **The Chairperson** asked whether the provisions of the Convention were directly applicable in the State party. He would like further information regarding the use of tasers against persons with psychosocial disabilities; the costs of the introduction of tasers in the national police, including training provided for officers; the costs of alternatives to tasers; and cases of injuries caused to police officials which had prompted the decision to introduce tasers. Was consideration given to the possibility that the use of tasers might result in an increase in the rate of crime?

56. Given the obligation to prosecute acts of torture under article 2, he asked whether the Attorney-General had discretionary power in cases of torture and inhuman treatment. He asked to what extent the Istanbul Protocol was disseminated among public servants. He would also like information on legislation concerning forced and involuntary sterilization and on any investigations conducted in that regard. Lastly, he asked whether the principle of non-refoulement extended to cases of risk of ill-treatment, in accordance with the provisions of wider application in the International Covenant on Civil and Political Rights, to which the State party was bound under the Convention.

57. **Mr. Modvig** asked whether the Government envisaged expanding legislation on juvenile detention to include 17-year-olds. Would the State party consider a more independent procedure for the appointment of doctors working for the police, who were currently chosen and paid by the police services themselves?

58. **Mr. Zhang** requested further information with regard to the out-of-court process that might be used to settle historic cases of abuse.

59. **Mr. Gaye** said he shared the concerns of other Committee members regarding the fact that the Independent Police Conduct Authority was not empowered to institute legal proceedings or even request the Attorney-General to institute proceedings, but was only competent to make recommendations. He would like to know to which public authorities those recommendations were directed.

*The meeting was suspended at 5.10 p.m. and resumed at 5.25 p.m.*

60. **Mr. Chhana** (New Zealand) said that the delegation would forward specific statistics on the use of tasers to the Committee in due course. He emphasized that prosecutions were brought against all officers suspected of criminal activity. The Independent Police Conduct Authority was independent in law and its activities were

supervised by a District Court Judge. Only inquiries into less serious complaints about police activities were conducted by police officers, who were chosen from a different district from that in which the complaint was made, while inquiries into more serious complaints were conducted by investigators of the Authority itself. The prosecutions were brought under the supervision of the Solicitor-General, who instructed private legal practitioners with respect to the prosecutions, in accordance with the Prosecution Guidelines, which were based on public interest and sufficient evidence. The fact that the national police was the primary investigating authority for police misconduct under the Crimes Act ensured consistency and prevented problems with overlapping jurisdiction.

61. **Ms. Muller** (New Zealand) said that the Convention was not directly applicable in the State party. The Crimes of Torture Act covered the Convention, the text of which was attached to the Act, and was designed to facilitate its application.

62. The Attorney-General was accountable for the way in which he exercised his discretion, since the use of discretion under the Crimes of Torture Act concerning decisions to institute prosecutions amounted to the exercising of a statutory power of decision, which could be reviewed by a High Court judge.

63. Police officers were required to consider the public interest when exercising their powers of discretion concerning decisions to bring prosecutions. Under the Prosecution Guidelines, foremost among the public interest considerations was the seriousness of the offence, and decisions to institute prosecutions for suspected cases of torture were therefore always taken.

64. **Mr. Crooke** (New Zealand) said that the second national plan of action for human rights would be drafted in 2015, based on the recommendations made under the universal periodic review process and subject to amendment. Specific lines of action would include a reduction in the overrepresentation of the Maori community in prisons and rehabilitation of former detainees, thereby addressing certain objectives under the Convention.

65. **Mr. Arbuckle** (New Zealand) said that the national preventive mechanism covered private prisons. Statistics on assaults committed in prisons had been provided to the Committee by the delegation. Renovation work on the Mangere Refugee Resettlement Centre had begun in 2014 and allowed for the centre to be fully operational during the renovation period. Stricter guidelines on mental health treatment had been developed in 2009 and were based on a human rights approach. The number of mental health patients treated in specific institutions and the use of seclusion methods had decreased. Single cell transportation vans were currently used for the transportation of prisoners, who were isolated from each other and only restrained upon entering and leaving vehicles or airplanes.

66. **Mr. Chhana** (New Zealand) said that, despite the low number of cases of trafficking in persons in the State party, programmes were being developed to enhance protection, and legislation was being expanded in order to cover domestic trafficking. The expansion of legislation on juvenile detention to cover 17-year-olds was under consideration by the Ministry of Social Development, within the framework of its work concerning the rights of the child. For every incident involving the presentation and discharge of a taser, a report had to be produced, accompanied by the footage from the camera attached to the taser. In addition, those reports contributed to policymaking regarding tasers. All reported historic cases of ill-treatment at Lake Alice hospital had been processed and victims granted ex gratia compensation. In the event that further cases were identified, reparation would be administered where necessary. Full reparation to victims comprised services, such as counselling, which were geared to the victims' needs and could be accessed at an appropriate time for the victims. The State party recognized the value of prosecutions of historic cases of abuse, which demonstrated to the public that such conduct was inadmissible.

67. **Mr. Crooke** (New Zealand) said that the refurbishment of Mangere Refugee Resettlement Centre was due to be completed in mid-2016.

68. **Mr. Chhana** (New Zealand) said that the independence of doctors working for the police was monitored and that their independence did not pose a challenge. Police rosters often contained nearly all of the medical professionals in the region, particularly in remote areas. That work accounted for a small part of their responsibilities and was often considered part of public service. Under the Bill of Rights Act, no one could be subjected to forced medical treatment, including involuntary sterilization, and legislation on serious crimes would apply where any such acts were detected.

69. **Mr. Crooke** (New Zealand) said that the Immigration Act provided for the principle of non-refoulement and deportation orders could only be issued in accordance with the International Covenant on Civil and Political Rights, the Convention relating to the Status of Refugees, and the Convention against Torture. Although the Covenant was not directly applicable, it was incorporated into domestic law primarily through the Bill of Rights Act.

70. **The Chairperson** thanked the delegation for the fruitful dialogue.

*The meeting rose at 5.50 p.m.*